

26152. Adulteration and misbranding of an article known as Physicians & Surgeons Rubbing Alcohol, also as Hospital Brand Rubbing Alcohol. U. S. v. 7 Gross of an article labeled in part "Physicians & Surgeons Rubbing Alcohol" and in other part as "Hospital Brand Rubbing Alcohol." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37101. Sample nos. 50832-B, 50833-B.)

This article failed to conform to its professed standard; and its label bore erroneous statements concerning its composition, and no statement of its alcoholic content.

On January 24, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of an article, in part labeled "Physicians & Surgeons Rubbing Alcohol" and in other part labeled "Hospital Brand Rubbing Alcohol", at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 11, 1935, by the Reo Chemical Corporation from Newark, N. J., to New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Physicians & Surgeons Rubbing Alcohol * * * Meeker Pharmacal Company, Newark"; (bottle) "Hospital Brand Rubbing Alcohol * * * Meeker Pharmacal Company, Newark, New Jersey."

Analysis showed that the article consisted essentially of isopropyl alcohol approximately 33 percent and water approximately 67 percent.

Adulteration of the article was charged in that its strength and purity fell below the professed standard and quality under which it was sold, and in that it did not consist of ordinary (ethyl) alcohol but was a mixture of about one-third isopropyl alcohol and two-thirds water.

Misbranding of the article was charged (a) in that the label bore the statement "Rubbing Alcohol", which statement was false and misleading in that the product did not consist of alcohol; (b) in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein, in that the declaration on the package "70 Proof Isopropyl Alcohol" was meaningless.

On February 17, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26153. Misbranding of Van-Tage. U. S. v. 99 Cases of Van-Tage, and another libel proceeding against 60 cases of the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37104, 37122. Sample nos. 60740-B, 60742-B.)

Unwarranted curative and therapeutic claims were made for this article.

On January 23 and 25, 1936, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of quantities of Van-Tage at Denver, Colo., shipped in interstate commerce on or about January 11 and January 15, 1936, respectively, by the Van-Tage Medicine Co., Los Angeles, Calif., from that place to Denver, Colo., and charging in each case misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Van-Tage."

Analysis showed that the article consisted essentially of potassium iodide (0.2 gram per 100 milliliters), pepsin (0.1 gram per 100 milliliters), extracts of plant drugs including aloe, glycerin, water, and flavoring material, preserved with salicylic acid.

Misbranding of the article was charged in the libel filed January 23, 1936, in that its package bore statements that were false and fraudulent, to wit, that the article was of curative or therapeutic efficacy when administered in the treatment of decided sluggish condition of the human organs and bloodstream, and of stomach, bowel, liver and kidney ills; that the article was effective to cleanse impurities from the bowels, to stimulate the stomach to proper digestion of food; that the article had been helpful to millions of men and women who were half living, dragging listlessly through life racked with pain—unable to eat and drink—unable to enjoy the fullness of life.

Misbranding of the article was charged in the libel filed January 25, 1936, in that the package and circular enclosed therein bore the following statements that were false and fraudulent representations concerning the curative or therapeutic effects of the article: (Bottle label) "In any decided sluggish condition"; (carton, large size only) "* * * for sick and ailing people

* * *"; (circular headed "Double-Action") "While the medicine is acting on your upper organs, * * * and bloodstream"; (circular headed "To the Millions of Men and Women") the design of a healthy man and the statements, "Yours for health * * * 'I've made millions of sick people feel better!' Here is a picture of the man who has manufactured and sold more medicine than any other man alive today! He was a sickly youth—suffering from stomach pains when still a schoolboy. He consulted scores of stomach specialists—underwent innumerable treatments for stomach, bowel, liver and kidney ills. Finally he took up the study of medicine himself and evolved a formula of natural herbs and other medicaments which became the world's largest selling medicine! * * * Van-tage—the medicine you have just bought. I originated this formula 25 years ago to relieve my suffering from stomach gas, bloating, and kindred ailments. * * * My own medicine made me well * * * I combined herbs that would stimulate the liver to release its bile * * * other herbs to cleanse impurities from the bowels—and still others to stimulate the stomach to proper digestion of food. * * * it made a new man of me! * * * My remarkable restoration to health caused much talk. Many other stomach sufferers came to me; begging for my secret. I gave my medicine freely to friends and strangers—and because of its wonderful success with other people, because of the letters of thanks and praise I received, I decided to make this medicine available to everyone. * * * Think of it—Millions of men and women—who were half living, dragging listlessly through life racked with pain—unable to eat and drink—unable to enjoy the fullness of life. * * * it helped them * * * you who take my improved Van-tage will get even greater help in your fight to regain health. To the millions of men and women who have been helped by my medicines—* * * take the treatment systematically and let its beneficial action continue over a long enough time to get results. This medicine has helped millions of others. Give it a fair trial and it will help you.'"

On March 12 and 23, 1936, no claimant having appeared in either case, default decree of condemnation, forfeiture, and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26154. Misbranding of Diatone. U. S. v. 15 Packages of Diatone, and another libel proceeding against 7 packages of the same article. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 37107, 37108. Sample nos. 56333-B, 56334-B.)

Unwarranted therapeutic and curative claims were made for this article.

On January 24, 1936, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 22 packages of Diatone at Louisville, Ky., alleging in each libel that the article had been shipped in interstate commerce on or about November 21, 1935, by Diabetic Diatone, Inc., Chicago, Ill., from that place to Louisville, Ky., and charging in each case misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton and bottle label) "Diatone An Oral Treatment for the Control of Diabetes."

Analysis showed that the article consisted essentially of a starch digestant, such as pancreatin, salt, and clay.

Misbranding of the article was charged in each case under the allegation that upon the packages of both sizes thereof there appeared the following statements regarding the curative or therapeutic effect of the article, and that the said statements were false and fraudulent: "Diatone An Oral Treatment for the Control of Diabetes Indicated for the treatment of diabetes without a starvation diet. At regular intervals both blood and urine tests should be made by the attending physician, who will regulate the diet and other necessary forms of treatment as may be needed. Suggested Dose 1 tablet 30 minutes before meals and at bedtime with a glass of water. In severe cases the dose may be increased if necessary. In most cases it will be possible to decrease the dose as the treatment progresses. * * * When urine is sugar-free and blood sugar content becomes normal 1 or 2 tablets should be taken regularly every day. Diatone."

On March 9, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered in each case.

HARRY L. BROWN, *Acting Secretary of Agriculture.*